

CELCAA KEY MESSAGES ON OFFICIAL FOOD AND FEED CONTROLS

CELCAA is the voice of the European traders in agricultural and food commodities to the European Institutions, media and stakeholders. Cereals, oilseeds, animal feed, oils and fats, olive oil, agro-supply, meat and meat products, dairy products, wine, eggs, egg products, poultry and game, raw tobacco, essential oils and spices are covered by our umbrella.

CELCAA supports the Commission proposal towards a European consolidation of harmonized, fair, efficient and transparent system for official controls on food and feed.

Official controls contribute to the high level of food and feed safety in the EU, to consumer trust and to the good functioning of the internal market, and shall guarantee a level playing field for all operators across the EU. The Commission proposal aims at strengthening these principles, and goes in the right direction in terms of consolidating the current legislation.

CELCAA would like to draw the attention of European decision-makers to the following points, which are crucial for the trade operators in the food and feed chain:

Risk-based approach for import controls (Art. 8; Art. 47)

- ✓ CELCAA strongly supports the Commission's principle supporting a risk-based approach and welcomes the proposal to strengthen it. CELCAA calls for its full implementation by competent authorities when programming and performing official controls.
- ✓ The frequency of the physical and identity checks should take due consideration of the risk-based principle, and hence should depend on the past experience with the given product and country of origin, as proposed by the Commission proposal.

Controls by independent private bodies (Art. 25) and own controls

- ✓ CELCAA supports the importance of independent controls; as the mandate for controls given to a public body can be too restrictive in some cases, as in some Member States official controls need to be performed by a third independent party which can be both public and private.
- ✓ CELCAA welcomes the EU Parliament vote considering operators' private quality schemes. Trade operators have invested heavily in quality assurance systems and regular own controls, and competent authorities should give due consideration to these schemes when elaborating controls programs.

Principle of equivalence of SPS requirements between the EU and third countries

- ✓ In line with the international principles of equivalence of sanitary and phyto-sanitary requirements under the WTO, the Commission proposal provides a series of requirements designed to ensure that imported products meet standards at least equivalent to those required for production in, and trade between, Member States. This is welcomed by CELCAA.
- ✓ It is, therefore, of utmost importance that the EU system of official controls remains fully embedded in this principle. Without this principle, imports of much needed agri-food products to the EU will risk breaching the legislation and thus security of supply for EU consumers.



Trade in bulk (Art. 75)

- ✓ CELCAA supports the Commission proposal recognising the specific nature of bulk trading.
- ✓ Specific rules should apply to the collection, storage, trading and transporting of bulk agricultural commodities.
- ✓ The delegated act envisaged by the EU Commission in this respect should be maintained in the proposal and drafted in close collaboration with representatives of traders in bulk commodities.

Common Health Entry Document (Art. 54)

- ✓ Traders should be thoroughly consulted on the draft design of the Common Health Entry Document, so as to avoid duplication with other requirements.

Official certificates for exports

- ✓ The use of model official certificates should be optional; Current practices need to be taken into account in instances where an existing certificate has already been agreed bilaterally between a Member State and a third country or where a specific format is required by the third country and it may be more appropriate to use this particular certificate.

Right to second opinion (Art. 34)

- ✓ The right of the operator to apply for a second expert opinion is of utmost importance for the agricultural sector. CELCAA requests provisions to include a set timeframe to obtain analytical results of a second sample which is imperative to business and to avoid trade stoppages at ports.

Transparency and Information Management System (Chapter II. Art. 10; Art. 14)

- ✓ CELCAA strongly opposes the publication of individual control results and the use of rating schemes (*naming and shaming*). Information identifying individual operators should only be published when there is an overriding public interest, i.e. a serious risk to human health and according to criteria set at EU level. In any case, operators should be given the opportunity to defend themselves and their comments should be published together with the control results.
- ✓ Similarly, CELCAA does not support the provision to grant a legal basis to allow Member States to publish ratings of individual operators. On the contrary, CELCAA supports the strengthening of data protection in the current compromised text (ref. Art. 133a and Art. 133b).
- ✓ Publication of multi-annual national control plans should be drafted in consultation with traders.
- ✓ CELCAA is concerned about the provision of access to information. Access to the business operators' computerised information management system would need to take account of the data privacy and protection and should be done only to the extent that a food safety risk is justified. The access by competent authorities to operators' documents and information management systems needs to be restricted to those ones required to verify compliance with food and feed law requirements.

Financing of official controls & principle of costs sharing (Chapter VI)

- ✓ Food safety is a common public good. CELCAA, therefore, believes that official controls from public authorities should be financed through public budget.
- ✓ As part of the shared responsibility in ensuring food and feed safety, business operators have already invested in certified quality management systems in their daily operations.



- ✓ Competent authorities, therefore, need to remain in charge of the funding of the official control system as part of their shared responsibility.
- ✓ Food and feed business operators have primary responsibility for food safety. Official controls are under the responsibility of competent authorities. Therefore, where mandatory fees apply, a cost sharing system must be put in place to ensure there is an incentive on both sides to carry out official controls in an efficient manner.
- ✓ There is a need for further harmonisation of controls across the EU which should be proportionate to the risk as currently there is a huge variance between Member States.
- ✓ If in the event that a charge for the funding of official controls is implemented, it must be a fundamental principle that it is harmonised at EU level. The harmonisation of the costs of controls at EU level is of utmost importance to the trade and should be calculated and allocated in a way to ensure fairness for all operators along the supply chain and to ensure consistent as well as effective systems. This cost-sharing system should follow the principle below:
 - Where fees are collected, they must be collected from all operators in a fair manner and should be proportionate to the official controls performed, micro-enterprises included.
 - The Competent Authority must demonstrate a risk based approach which is transparent to the Food Business Operators.
 - Fees should only be recovered and related to direct costs linked to official controls on site (e.g. short positive list: salaries, equipment and consumables) while Competent Authorities should remain in charge of the indirect costs.
 - Competent Authorities should provide full transparency to operators on the methods related to the costs linked to charging.
- ✓ On the application of fees, CELCAA does not support the provision that Competent Authorities do not release goods until fees are paid which could amount to significant additional costs for importers should vessels be delayed at the point of import.

Efficient controls according to the principle of thriftiness

- ✓ CELCAA strongly calls for competent authorities to carry out performant and efficient controls; they should have appropriate means to carry out their tasks.
- ✓ The time-efficiency in performing official controls, in terms of staffs, procedures and equipment as well as in delivering results by controls authorities is essential for traders. Potential inefficiencies by control authorities should be avoided as they will create additional burdens to traders in terms of costs and delay in discharging /delivering the goods.
- ✓ The principle of thriftiness should be clearly mentioned as a principle to be duly followed by the competent authorities in the core text of proposed legislation.

CELCAA is the EU umbrella association representing EU organisations covering the trade in cereals, grains, oil, animal feed, agro-supply, wine, meat and meat products, dairy and dairy products, eggs, egg products, poultry and game, tobacco, spices and general produces. Members include COCERAL, UECEBV, EUCOLAIT, CEEV, EUWEP, GAFTA, FETRATAB, CIBC. CELCAA's main objectives are to facilitate understanding of European decision-makers and stakeholders on the role played by the European traders in agri-food products; to act as a platform of dialogue and communication with the European Institutions and to encourage public and general interests in agri-trade issues.